

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Case No. 6:03-cr-60053-MC

**STIPULATION AND ORDER TO
AMEND PREVIOUSLY-ENTERED
JUDGMENT**

v.

JOSHUA GUNNER JOHNSON,

Defendant.

This matter is before the Court on defendant's motion to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 based on the Supreme Court's decisions in *Johnson v. United States*, 135 S. Ct. 2551 (2015), and *Welch v. United States*, 136 S. Ct. 1257 (2016), and having considered the factors under 18 U.S.C. § 3553(a) and the interests of justice in this particular case, the parties agree to settle the case without precedential value in any other case on the terms that an amended judgment in Case No. CR 03-60053-MC should be entered that shall:

- (1) retain references to the Armed Career Criminal Act and 18 U.S.C. § 924(e);
- (2) reduce the term of imprisonment from 218 months to 180 months; and
- (3) add as a condition of supervised release that the defendant be placed in a residential reentry center for up to 120 days.

The parties further agree that all other aspects of the original judgment and commitment order, including the term and conditions of supervised release and the provisions relating to concurrency, should remain the same.

The parties believe defendant will be due for release within 30 days of the entry of the amended judgment. To provide the Bureau of Prisons and the United States Probation Office sufficient time to arrange an appropriate re-entry plan, the parties stipulate that the amended judgment should not be effective until fourteen days after the entry of this signed Order, absent entry of an order setting an earlier effective date, upon request of Chief United States Probation Officer John Bodden or his designee.

The defendant has consulted with counsel and agreed to waive his right to a re-sentencing hearing and allocution, and any right he may have to be present for the amendment of his sentence, and stipulates to the provisions above.

Based on the above, and the Court concurring,

IT IS HEREBY ORDERED that an amended judgment and commitment order shall be prepared and entered, in accordance with the stipulation of the parties, retaining references to the Armed Career Criminal Act and 18 U.S.C. § 924(e); deleting the previously-imposed term of 218 months' imprisonment, and replacing it with a sentence of 180 months; and adding as a condition of supervised release that the defendant be placed in a residential reentry center for up to 120 days. All other aspects of the judgment and commitment order previously entered in this case, including the term and conditions of supervised release and the provisions relating to concurrency, shall remain in full force and effect.

Based on the agreement of the parties, this Order will not serve as precedential authority in any other case.

Dated this ²⁶~~21~~st day of December, 2016.



MICHAEL J. MCSHANE
United States District Court Judge

Presented upon agreement of the parties by:

s/ Stephen R. Sady
STEPHEN R. SADY
Chief Deputy Federal Public Defender
Counsel for Defendant

BILLY J. WILLIAMS
United States Attorney

s/ Frank R. Papagni, Jr.
FRANK R. PAPAGNI, JR.
Assistant United States Attorney